

**CITY OF NORWALK**  
**THIRD TAXING DISTRICT**  
**REGULAR MEETING**  
**OCTOBER 21, 2002**

**ATTENDANCE:** David L. Brown, Chairman; Stephen M. Feinstein,  
Paul S. Coggin

**STAFF:** Ron Scofield, Lawrence P. Dennin, District Counsel, Lovejoy  
and Rimer, P.C.

**OTHERS:** Joe Cristino, Consultant; William Solder, Dennis Santella,  
Stephen Orris

The Chairman opened the meeting at 7:05 p.m.

**PUBLIC COMMENT**

There was no public comment

## **APPROVAL OF MINUTES**

### **Special Meeting October 7, 2002**

**\*\* MR. FEINSTEIN MOVED TO ACCEPT THE MINUTES AS SUBMITTED**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **Regular Meeting October 7, 2002**

Mr. Brown expressed that the omissions and errors in the minutes changed the message being sent in the minutes. He suggested that the minutes be reworked by Telesco Secretarial Services. Mr. Coggin suggested that the tape be used to clarify and correct the minutes.

**\*\* MR. COGGIN MOVED TO TABLE THE OCTOBER 7<sup>th</sup> REGULAR**

**MEETING MINUTES UNTIL THEY ARE REVIEWED AND CORRECTED BY  
TELESCO SECRETARIAL SERVICES AND MADE READY FOR THE NEXT  
MEETING.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**METHOD OF FILLING THE VACANCY OF THE CHAIRMAN OF THE 51 VAN ZANT STREET STEERING COMMITTEE**

Mr. Feinstein said that he received three e-mails regarding the vacancy created by the resignation of Mr. Mola from the Van Zant committee. The e-mails suggested that the vacancy be filled by the Commission, as it is the responsible body. One of the e-mails suggested using the same procedure that was used in creating the Committee and selecting the chairman for the 51 Van Zant Street Steering Committee.

Mr. Coggin agreed that the slot be filled. He said that the process should be followed, but the Chairman will not have any more power or additional votes than any other member will.

Mr. Brown stated that because of the sensitivity of the issue, Mr. Santella and Mr. Orris should be allowed to speak.

**\*\* MR. BROWN MOVED TO SUSPEND THE RULES TO ALLOW**

**DISCUSSION OF THE REPLACEMENT FOR THE VACANCY OF CHAIRMAN FOR THE 51 VAN ZANT STREET STEERING COMMITTEE.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Dennis Santella stated that in most committees, the chairman is chosen by the committee itself from

among the peers as within the City government. He felt that it would be better harmony if the committee chose from among themselves a new chairman in order to maintain harmony. He asked whether the Commission could change its method of operation in this matter. He also asked that the memo be followed that was presented originally. He expressed that he did not feel the Commission needed to make the choice of the Chairman.

Mr. Stephen Orris asked that the Committee be an uneven number to allow for a tie breaker for decisions and votes. Mr. Orris felt that the procedure is OK, but that they should go forward to choose a chairman. As the Committee stands now with a chairman, it is inactive.

Mr. Feinstein stated that he was originally opposed to the entire format for the Committee and formation of the Committee itself. He also stated he was not party to the creation of the memo.

Mr. Coggin said the memo was presented to him at a joint meeting.

Mr. Feinstein said that he was not part of drafting the memo itself, but did remember the presentation of the document.

Mr. Feinstein said that he has not been a part of a committee that elects its own chairman. The problem has been that most of the people want the ability to choose the chairman. He said that the document did not have the methodology for choosing a new chairman when a vacancy occurred. The Van Zant Committee wants to choose a chairman that the Commission set up.

Mr. Feinstein also stated that Mr. Coggin is the alternate. The question was raised would he not be the substitute or acting chairman since the chairman left the committee and he was designated as the alternate.

Mr. Coggin said that his position was created to break a tie, but not that he would become the chairman if a vacancy occurred. Mr. Coggin stated that he was not aware that he would be the one to fill the vacancy, but be a tie-breaker vote only. Mr. Coggin said his inclination would be to stay with what was put into place. He felt that the commission should find a new chairman and leave him as the tie breaker vote.

Mr. William Solder asked whether the chairman would be appointed by the Commission or the Committee. Personally, he felt that either the commission or the committee could perform the task.

Mr. Brown said that, after reviewing the Memorandum of Understanding (MOU), he is satisfied in the way it was written. He said that if the Commission were to appoint the chairman, he would not like to say anything against that action.

Mr. Santella stated that, for the record, he did not have a part in drafting the MOU, but was called later to endorse the document and saw it for the first time at the meeting.

Mr. Coggin stated that Mr. Shields informed him that the draft had been presented to the group at various meetings, but he was not disagreeing with Mr. Santella, but this is what he was told.

**\*\* MR. BROWN MOVED THAT THE METHOD OF FILLING THE  
CHAIRMANSHIP REMAIN WITH THE THIRD TAXING DISTRICT COMMISSION.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION MOVED WITH TWO VOTES IN FAVOR, ONE IN OPPOSITION  
(MR. FEINSTEIN).**

**SELECTION OF THE CHAIRMAN OF THE 51 VAN ZANT STREET STEERING  
COMMITTEE**

Mr. Coggin stated this was a follow up to a meeting held two weeks prior. At that meeting it was discussed that Mr. Mola had resigned and that a replacement was needed. He asked individuals to consider nominations for the position. It was suggested that Mr. Rooney be made aware of the discussion. He asked whether there were any nominations, suggestions or individuals who wished to step forward at this meeting tonight. The goal is that by next month someone be appointed and moved into the position.

Mr. Brown stated that Mr. Orris offered to accept a nomination and if chosen would serve as chairman.

Mr. Coggin further stated, if he recalled correctly, that Mr. Orris' name came up at a previous meeting. It appears that there has been continuing interest.

Mr. Feinstein restated that any committee in which he has been involved, the alternate has filled the vacancy. He said this is the first instance that the alternate would only break a tie by his vote. He felt that Mr. Coggin should be the chairman in this case.

Mr. Brown asked Mr. Coggin if the statement by Mr. Feinstein had a bearing on his MOU.

Mr. Coggin repeated that the language indicated he would be a tie breaker vote if needed. He also said that the chairman could choose to abstain. He respected Mr. Feinstein's comment, but in earlier months, he was chosen as a tie breaker alternate. He said the wording of MOU indicates that to him.

Mr. Brown asked Mr. Orris if he was willing to take on the position.

Mr. Orris asked whether the Committee would be allowed to chose the vice chairman to avoid this situation in future. If so, he would accept the nomination.

Mr. Feinstein stated that if it is written up and brought before the electorate, it would be reviewed and acted upon. He also stated another vacancy still must be filled with Mr. Orris going into the chairmanship. It is a district vacancy.

Mr. Brown asked to handle that issue outside this election tonight and be presented at another meeting.

Mr. Coggin suggested getting the word out on the new vacancy and take up nominations at another meeting.

Mr. Feinstein stated he would be in opposition to the vote because of the methodology, not in placing Mr. Orris in the position.

**\*\* MR. BROWN MOVED TO ELECT MR. STEPHEN ORRIS AS THE  
CHAIRMAN OF THE 51 VAN ZANT STEERING COMMITTEE.**

**\*\* MR. COGGIN SECONDED.**

**\*\* MOTION PASSED WITH TWO VOTES IN FAVOR, ONE VOTE IN  
OPPOSITION (MR. FEINSTEIN).**

Mr. Santella inquired whether the Association could assist in filling the vacancy by putting forth names.

Mr. Coggin stated it is a district selection and if members of the group have nominations, to present the names for the next meeting.

Mr. Brown felt that the two parties should present names for parity.

Mr. Santella said that he thought that people were being accepted from both sides thus bringing the two groups together as one.

Mr. Coggin said that the names could come from anyone in the district.

Mr. Santella said that was not the case in the beginning.

Mr. Solder said he did not feel it was an “us against them” situation and he understood that the Commission would want a list of names of people who would serve and fill the mandate of the Committee.

Mr. Santella agreed with Mr. Solder’s statement and said that was the way it should have been done in the first place.

## **APPOINTMENT OF NEWSLETTER EDITOR FOR NOVEMBER, DECEMBER AND JANUARY**



**\*\* MR. BROWN MOVED TO APPOINT MR. COGGIN.**

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

Mr. Coggin stated that he would work to get the input from all and release the information at the proper time.

**ATTENDANCE AT APPA LEGISLATIVE RALLY (FEBRUARY 9-12, 2003); APPA ANNUAL CONFERENCE (JUNE 14-18, 2003); NEPPA ANNUAL CONFERENCE (AUGUST 17-20, 2003)**

Mr. Brown asked that the Commission member give the Commission early notice on these meetings that he will attend.

Mr. Feinstein commented that the fibrillates have been ordered. There has been a lot of press about the use of the units and saving of lives.

Mr. Feinstein commented that all the Commissioners should attend these meetings for APPA. The upcoming meetings are February 9-12, 2003, June 14-18, 2003 and August 17-20, 2003.

Mr. Brown commented that good information is presented at these meeting. He also commented that two fibrillates would be put on TTD trucks.

Mr. Feinstein said that a Westchester county city is ordering 60 units to be placed on the golf courses.

Mr. Coggin plans to attend the AAP Washington Rally in February.

These events will be announced at the beginning of the month in which they fall for awareness by all.

**DISCUSSION AND APPROVAL OF ADDITIONAL FUNDING FOR THE EAST AVENUE SUB STATION (TABLED FROM THE OCTOBER 7, 2002 MEETING)**

Mr. Brown stated that he had read the letter submitted by Mr. Cristino. He said that the explanation in obtaining the parts would indicate no bids would be required. Based on the letter he suggested that the funding be approved for the East Avenue repairs.

Mr. Cristino stated that TSI would be back to complete its work within the next few weeks. McPhee has put in their bill for insulator work that is completed. TSI stated approximately \$1,008.00 for their work.

**\*\* MR. BROWN MOVED THAT UP TO\$22,000 BE ALLOCATED TO  
COMPLETE THE EAST AVE SUB STATION REPAIRS.**

Mr. Brown asked Mr. Cristino to submit costs that would be incurred in not using TTD personnel in order to have a best scenario in the file on this project.

**\*\* MR. FEINSTEIN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

### **BIDDING POLICY AMENDMENT**

Mr. Brown said this project is completed and for discussion tonight. However, he called the Purchasing Department at City Hall and spoke to Mr. Foley. He stated that the information he received was very detailed and he was told to advertise the project in the newspaper.

Mr. Dennin stated that except for DPW work, there is no State statute for bidding. He said by ordinance or policy the town would set up how bidding would be processed. He submitted a copy of what a near by town is doing in respect to advertising. The sample was for the town of New Canaan. He stated that depending on the threshold of the amount, then the municipality should go out public bid.

Mr. Brown said that the policy for quotes and purchases as written was good. He asked Mr. Solder how he obtains bids.

Mr. Solder said that he reads the ads, goes on-line, calls municipalities to see what they are doing and also is on a list. There are a number of ways to find out what is going on in the surrounding towns.

Mr. Brown gave Mr. Solder a scenario for a public project and asked if he would apply and if not or why not.

Mr. Solder replied that there could be restrictions on bid projects that could keep a vendor from even applying for the project. Some bid packages cost too much to acquire, restrictions prevent bidding or

you don't want to bid because you do not meet a number of the specs.

Mr. Scofield asked whether he should use the current policy as he has four items he needs to process.

Mr. Coggin stated that he should move ahead and if there is an item that should come before the Commission, to do so. Mr. Brown agreed.

**PROPOSED METER AUDIT  
(TABLED FROM THE OCTOBER 7, 2002 MEETING)**

Mr. Brown commented that SNEW had already performed a search for a meter auditing company and would recoup the cost invested within two to three years. He said that TTD would be a smaller audit and could recoup its investment within one to two years. Mr. Brown felt that since the research work has been done, why reinvent the wheel.

Mr. Feinstein did not feel comfortable using SNEW as the benchmark.

Mr. Coggin asked Mr. Dennin if he had any suggestions.

Mr. Dennin responded that they could research their own and obtain additional bids from companies who perform the service. He stated they could set the limit on the amount of meters audited and cap the amount to be spent.

Mr. Coggin said that the work has already been done, but felt TTD should determine the number of meters in the audit.

Mr. Brown repeated that the work has already been done, why reinvent the wheel. The number of meters is determined by the vendor.

Mr. Coggin suggested allocating a specific amount of money and have the TTD Clerk obtain three competitive bids.

Mr. Feinstein stated that he preferred that TTD do its own work in researching the audit vendor. He felt that the customers need to know what was bid and how many were obtained.

Mr. Brown said he appreciated Mr. Feinstein's information, but it would delay the project another month.

Mr. Brown stated there will be a special meeting next week and this item could be taken up at that time. The item will be tabled until the special meeting. Mr. Scofield will contact two additional vendors to add to the Northeast bid for the meeting.

**\*\* MR. BROWN MOVED TO TABLE THE METER AUDIT DISCUSSION.**

**\*\* MR. FEINSTEIN SECONDED**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MR. FEINSTEIN MOVED TO ADJOURN**

**\*\* MR. BROWN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

The Chairman closed the meeting at 9:40 p.m.

Respectfully submitted,

Alvina L. Richardson Decker

Telesco Secretarial Services